

Message Text

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SUBJ: THE US POSITION AND HUMAN RIGHTS IN 28TH GA

1. SUMMARY. ALTHOUGH RESULTS WERE MIXED, US EMERGED IN SOMEWHAT MORE POSITIVE ROLE AS DEFENDER OF HUMAN RIGHTS AT 28TH GA THAN IT DID LAST YEAR WHEN ISSUES OF APARTHEID AND COLONIALISM CONSUMED GREATER AMOUNT OF TIME AND ENERGY. TO EXTENT THAT DEBATE AND RESES CENTERED ONAPARTHEID, SOUTHERN AFRICA, PORTUGUESE COLONIES AND ISRAELI-OCCUPIED LANDS, US TOOK POSITION WHICH, WHILE VALID LEGALLY, WAS GENERALLY REGARDED AS NEGATIVE AND SERVED TO ISOLATE US FROM OVERWHELMING MAJORITY. SOVIET BLOC, WHICH VOCIFEROUSLY SUPPORTED SUCH RESES MADE EFFECTIVE PROPAGANDA OUT OF OUR ISOLATION. US WAS, HOWEVER, ABLE TO SUPPORT OTHER HUMAN RIGHTS ITEMS INCLUDING RES ON DECADE TO COMBAT RACISM. FOR THIS AND OTHER REASONS UNRELATED TO HUMAN RIGHTS ISSUES, US WAS ABLE TO ALLAY AFRICAN RESENTMENT EFFECTIVELY ENOUGH TO PRECLUDE AFRICANS FROM DELIBERATELY SABOTAGING US INITIATIVES IN RETALIATION.

2. NON-ALIGNED MEMBER STATES IN THIRD COMITE, WHICH DEALS WITH YUMAN RIGHTS, ARE LESS CONCERNED WITH CIVIL AND POLITICAL

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RIGHTS OF INDIVIDUALS THAN THEY ARE WITH DENIAL OF PRACTICALLY ALL RIGHTS TO BALACK MAJORITIES IN SOUTHERN AFRICA AND PORUGUESE COLONIES. AFRICAN BLOC IS PREOCCUPIED WITH THIS ISSUE TO VRUTUAL EXCLUSION OF ALL OTHERS. TO THEM

CARLETONVILLE "MASSACRE" WHICH TOOK PLACE, SEPT 11 ON
EVE 28TH SESSION VASTLY OVERSHADOWED PLIGHT OF SOVIET
INTELLECTUALS AND RESTRICTIONS ON RIGHTS OF SOVIET
JEWS TO EMIGRATE. TO EXTENT AFRICAN STATES SOUTH OF SAHARA
ARE CONCERNED WITH OTHER ASPECTS OF HUMAN RIGHTS, THEY PROBABLY
SHARE VIEW WELL EXPRESSED BY SIERRA LEONE THAT IN VERY
POOR COUNTRIES WHERE SO MANY LIVE AT MARGIN OF SURVIVAL,
RIGHT TO WORK AND EARN LIVELIHOOD FOR ONESELF AND FAMILY
TAKES PRIORITY OVER CIVIL AND POLITICAL RIGHTS. FOR THIS REASON
SIERRA LEONE CONCLUDED THAT REGIONAL HUMAN RIGHTS ORGANIZATIONS
REFLECTING PRIORITY CONCERNS OF EACH REGION WOULD BE MORE
EFFICIENT WAY OF ASSURING OBSERVANCE OF HUMAN RIGHTS WITHIN
UN CONTEXT THAN CREATION OF POST OF HIGH COMMISSIONER FOR
HUMAN RIGHTS.

3. FRUSTRATION OVER INABILITY OF UN EFFECTIVELY TO COMBAT
APARTHEID AND COLONIALISM HAS LED TO EXTREME ACTIONS SUCH
AS PASSAGE BY 28TH GA OF CONVENTION ON SUPPRESSION AND PUNISH-
MENT OF CRIME OF APARTHEID. THIS CONVENTION EXTENDS INTERNATIONAL
CRIMINAL JURISDICTION ON SO BROAD AND SO ILL-DEFINED A SCALE
THAT, AS US SPOKESMAN SAID IN EXPLAINING OUR NEGATIVE VOTE IN
PLENARY, IT CAN ITSELF BE USED TO VIOLATE RATHER THAN PROTECT
HUMAN RIGHTS. YET CONVENTION WAS PASSED BY TYPICAL
LOPSIDED VOTE 91-4(US)-26 IN WHICH WE FOUND OURSELVES
VOTING NO IN COMPANY OF SOUTH AFRICA, UK, AND PORTUGAL. TO
NON-ALIGNED, BROAD POSSIBILITIES THAT CONVENTION OFFERS
FOR VIOLATING HUMAN RIGHTS WERE MUCH LESS IMPORTANT THAN
POSSIBILITIES IT OFFERS FOR HARASSING SOUTH AFRICAN GOVERN-
MENT DIPLOMATS AND OFFICIALS AND EVEN FOREIGNERS TRADING
WITH AND IN SOUTH AFRICA. UNDER THESE CIRCUMSTANCES US LEGAL OBJECTIO
NS,
THOUGH ENTIRELY VALID, FELL ON DEAF EARS.

4. USSR, ONE OF WORLD'S MOST SPECTACULAR AND CONSISTENT
VIOLATORS OF CIVIL AND POLITICAL RIGHTS OVER PAST HALF
CENTURY, HAS SKILLFULLY EXPLOITED THIS SITUATION. SOVIETS,
IN FACT, FATHERED DRAFT CONVENTION ON CRIME OF APARTHEID,
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SHEPHERDED IT THROUGH HUMAN RIGHTS COMMISSION, AND DEFENDED
IT IN THIRD COMMITTEE WHEN SECT LEGAL ADVISOR COULD NOT DO SO
EFFECTIVELY. SOVIET BLOC SPEECHES ARE SPRINKLED WITH
REFERENCES TO "CHARACTERISTIC SOVIET SUPPORT FOR HUMAN RIGHTS
AND UNYIELDING OPPOSITION TO APARTHEID, COLONIALISM
AND NEO-COLONIALISM." SOVIET BLOC SELDOM MISSES OPPORTUNITY
TO CALL UN ATTENTION TO "NATO COUNTRIES" THAT SUPPORT APARTHEID
BY INVESTING IN AND TRADING WITH SOUTH AFRICA OR THAT GIVE
MILITARY ASSISTANCE TO PORTUGAL WITH WHICH TO SUPPRESS
AFRICAN LIBERATION MOVEMENTS. MOREOVER, SOVIET DEL
SOLICITOUSLY ASSURED THAT AFRICANS INSERTED REFERENCE TO
"POLICIES OF THOSE MEMBERS OF NATO AND OTHER COUNTRIES

WHICH ASSIST PORTUGAL AND OTHER RACIST REGIMES" IN RES
ON SELF-DETERMINATION THEREBY ASSURING US AND WESTERN
EUROPEANS WOULD BE ISOLATED FROM OVERWHELMING MAJORITY
(USUN 4612). AS FURTHER PROPAGANDA PLOY, USSR RATIFIED THE
TWO MAJOR HUMAN RIGHTS COVENANTS SHORTLY BEFORE 28TH GA
OPENED AND HAVE MADE SOME CAPITAL OF THAT, DESPITE FACT
THAT FEW CAN BELIEVE SOVIETS SERIOUSLY INTEND TO IMPLEMENT
THOSE COVENANTS. EXTENT TO WHICH AFRICAN BLOC LOOKS UPON
SOVIET BLOC AS TRUE FRIEND IS DIFFICULT TO JUDGE, BUT AFRICANS
IN GENERAL SUPPORTED RESES FAVORED BY SOVIET BLOC.

5. BY CONTRAST US VOTED WITH UK, PORTUGAL, ISRAEL, AND
OCCASIONAL CHANCE ALLY AGAINST NON-ALIGNED AND SOVIET BLOC
MAJORITY, WITH WESTERN EUROPEANS ABSTAINING ON RESES
RELATING TO APARTHEID CONVENTION AND SELF-DETERMINATION.
UNDER THESE CIRCUMSTANCES IT IS PERHAPS REMARKABLE THAT US
STAND WAS NOT MORE RESENTED ADD THAT AFRICAN BLOC WAS NOT
MORE HOSTILE. FOR EXAMPLE, ITEM ON ELIMINATION OF ALL FORMS
OF RELIGIOUS INTOLERANCE IN WHICH US TOOK LEAD AND IN WHICH
NON-ALIGNED HAD LITTLE INTEREST WAS GIVEN THOROUGH HEARING
AND REFERRED TO HUMAN RIGHTS COMMISSION FOR PREPARATION OF
DRAFT DECLARATION DESPITE SOVIET OPPOSITION TO DECLARATION.

6. IT MAY WELL BE THAT US SUPPORT FOR FIRST HUMAN RIGHTS
ITEM ON AGENDA, DECADE FOR ACTION TO COMBAT RACISM AND
RACIAL DISCR*MINATION, ABLY AND FEELINGLY STA*ED B* PUBLIC MEMBER
MARGARET YOUNG, CREATED SYMPATHETIC US IMAGE AT
OUTSET THAT WAS ONLY GRADUALLY BLURRED. AT END OF SESSION
US WAS ALSO ABLE TO VOTE AFFIRMATELY ON REPORT OF COMITE ON
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ELIMINATION OF RACIAL DISCRIMINATION AND ON STATUS OF HUMAN
RIGHTS COVENANTS. IN SUMMARY, DESPITE SKILLFUL SOVIET BLOC
UTILIZATION OF US DIFFICULTIES IN REGARD TO UN RESES DIRECTED
AGAINST PORTUGAL AND SOUTH AFRICA, TOGETHER WITH OUR CONTINUING
INABILITY TO RATIFY THE BASIC HUMAN RIGHTS COVENANTS,
DEL WAS ABLE TO PRESENT POSITIVE US POSITION ON OTHER ITEMS
DEALING WITH HUMAN RIGHTS. MOREOVER, IN THIS SESSION THIRD
COMITE WAS SOMEWHAT LESS PREOCCUPIED THAN IN PAST BY SOUTHERN
AFRICA AND APARTHEID ISSUES AND MORE TIME WAS AVAILABLE
FOR CONSIDERING THESE OTHER ITEMS, E.G., DECADE TO COMBAT
RACISM, OBSERVANCE OF 25TH ANNIVERSARY OF UNIVERSAL
DECLARATION, ELIMINATION OF RELIGIOUS INTOLERANCE, HIGH
COMMISSIONER FOR HUMAN RIGHTS, HUMAN RIGHTS AND TECHNOLOGICAL
AND SCIENTIFIC DEVELOPMENT.
BENNETT

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